

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

HERMIS CORPORATION, LLC

Plaintiff,

-vs-

FIRST 1 FINANCIAL CORPORATION,

Defendant.

Case No. 3:11-cv-43

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District Judge Thomas M. Rose  
Magistrate Judge Michael R. Merz  
Magistrate Judge Michael J. Newman  
(Mediator)

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**ORDER**

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Defendant First 1's Motion to have its client representative appear by phone at the August 17th mediation (doc. 46) is **GRANTED** for good cause shown and on condition that (1) the client representative shall be available by phone at all times during the mediation, and (2) those appearing in person on behalf of First 1 shall have the same authority as the client representative who appears by phone.

The Court also **ORDERS** all parties and their counsel to meet by phone, prior to the mediation, so that a settlement offer and counter-offer shall have been exchanged prior to the start of the August 17th mediation.

**IT IS SO ORDERED.**

August 9, 2012

s/ **Michael J. Newman**  
United States Magistrate Judge